IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 154 of 2005

Between:

Muppidi Raju S/o.Late Venkanna
R/o.Kolamuru (V) Rajahmundry Rural Mandal, E.G.District.

... PETITIONER

AND

1 The District Collector East Godavari District at Kakinada.
2 The Revenue Divisional Officer Rajahmundry, E.G.District.
3 The Mandal Revenue Officer, Rajahmundry Rural Mandal,
East Godavari District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of respondents in evicting me from the land to an extent of 0.39 cents situated in R.S.No.410/1/B of Kolamuru Village, Rajahmundry Rural Mandal, E.G.District in pursuance of the order passed by the 2nd respondent in ref.D/3465/2004 Dt.20.11.2004 as illegal, arbitrary and violation of principles of natural justice and consequently direct the respondents 2 and 3 not to evict me from the above land pending disposal of the appeal prefered before the 1st respondent.

Counsel for the Petitioner: MR.K.VENKATESH

Counsel for the Respondents 1 to 3: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents and with their consent, the writ petition is being disposed of at the admission stage.

2. As against the impugned order dated 20-11-2004 in Ref. D/3465/2004 passed by the second respondent, Revenue Divisional Officer, directing the Mandal Revenue Officer, Rajahmundry Rural to evict the petitioner from R.S.No.410/1B, the petitioner said to have preferred an appeal before the first respondent, District Collector under Section 4A(2) of the A.P. Assignment Act, 1977 (for short 'the Act') along with an interlocutory application to grant stay of the order passed by the second respondent dated 20-11-2004 and the same is said to be pending on the file of the first respondent, District Collector, but, he neither disposed of the appeal nor passed any orders on the interlocutory application and the respondents are now trying to evict the petitioner from the schedule land.

3. Under those circumstances, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition directing the first respondent to either dispose of the appeal, filed by the petitioner under Section 4A(2) of the Act, or consider passing orders in the interlocutory application filed in the appeal, within a period of three weeks days from today, in accordance with law.

The writ petition is accordingly disposed of at the admission stage.

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N.V. RAMANA, J

January 19, 2005

MRR / TVK

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

1 The District Collector East Godavari District at Kakinada.
2 The Revenue Divisional Officer Rajahmundry, E.G.District.
3 The Mandal Revenue Officer, Rajahmundry Rural Mandal, East Godavari District.

4 Two C.C. s to the G.P. for Revenue, High Court Buildings,

Hyderabad (OUT)

5 Two C.D. Copies.